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tion of extralateral rights may be prevented by the departure of the vein through a side line; since the drawing in of the boundaries might prevent the end lines from being parallel. *COSTIGAN, MINING LAW, § 55 a (2)*. In reaching an opposite result the principal case is supported by one other case. *Water-vale Mining Co. v. Leach*, 4 Ariz. 34.

PARTNERSHIP — RIGHTS, DUTIES, AND LIABILITIES OF PARTNERS INTER SE — ACCOUNTING FOR PROCEEDS OF ILLEGAL PARTNERSHIP.—The plaintiff, a married woman, cohabited with the defendant, a bachelor, under a partnership agreement to prove up a homestead in the defendant's name. They did so, sold the homestead, and part of the proceeds were invested in other land by the defendant under a subsequent agreement with the plaintiff. *Held*, that, since the illegal transaction was completed, the plaintiff is entitled to an accounting. *Mitchell v. Fish*, 134 S. W. 940 (Ark.).

When partners are engaged in a transaction contrary to public policy, courts will not aid one against the other, but will leave them where they are. *Snell v. Dwight*, 120 Mass. 9; *Jackson v. Executors of McLean*, 100 Mo. 130. But a transaction independent of the illegal business is valid. *Guilfoil v. Arthur*, 158 Ill. 600. Just how far collateral the transaction must be, that it may not be tainted by the original illegality, is a matter of much controversy. Some courts have decreed an accounting when the illegal business was completed, on the ground that the origin of the fund would not be investigated. *Planters' Bank v. Union Bank*, 16 Wall. (U. S.) 483. *Contra, Craft v. McConoughy*, 79 Ill. 346. Other courts will enforce a subsequent contract to divide the proceeds of the illegal transaction. *De Leon v. Trevino*, 49 Tex. 88. Many courts decree an accounting where the proceeds of the illegal venture have been reinvested. *Brooks v. Martin*, 2 Wall. (U. S.) 70. The test often suggested is whether the plaintiff must rely on the illegal transaction in order to maintain his case. *Woodward v. Bennett*, 43 N. Y. 273. See PAGE, CONTRACTS, § 527. Undoubtedly, also, the degree of illegality must be considered. Though the authorities are abundant establishing these exceptions to the general rule against aiding a party to an illegal transaction, there seem to be strong considerations against them, for their effect is that the illegal agreements actually are carried out. See *McMullen v. Hoffman*, 174 U. S. 639.

POWERS — GENERAL POWERS OVER PERSONALTY: WHAT LAW GOVERNS APPOINTMENT BY FOREIGN WILL.—The donee of an English power was domiciled in Holland. By the laws of Holland no person may dispose by will of over seven-eighths of his property, the devolution of the residue being prescribed by law. By a will executed in accordance with all the formal requisites of both countries, she left to her husband "all the property which the law would allow her to dispose of." *Held*, that the husband took the entire property subject to the power, not merely seven-eighths. *Re Pryce*, 130 L. T. 415, (Eng., Ch. D., Feb. 20, 1911). See NOTES, p. 654.

PUBLIC OFFICERS — COMPENSATION — RIGHTS OF DE FACTO OFFICERS.—During 1910 the plaintiff served as city marshal. His title to office, however, was invalid, for he had not been appointed in the manner prescribed by statute. He, nevertheless, performed all the duties of marshal and then sued for the salary. This he claimed was due him as *de facto* marshal, for no *de jure* officer had been appointed. *Held*, that he may recover the full salary. *Peterson v. Benson*, 112 Pac. 801 (Utah). See NOTES, p. 658.

RAILROADS — REGULATION OF RATES — POWERS OF THE STATES.—The state of Minnesota passed acts reducing intrastate freight rates from 7 to 25 per cent, and intrastate passenger rates $33\frac{1}{3}$ per cent, the new rates allowing